

Serial No.: 10/531,591

Filing Date: 4/15/2005

Attorney Docket No. 215.004US01

Title: SENSING METHOD AND APPARATUS

REMARKS

The Office Action mailed on April 16, 2008 has been reviewed, along with the art cited. Claim 1 has been amended. Claim 30 has been canceled. Claims 1-29 are pending in this application.

Objection

The Applicant has amended claim 1 to clarify the antecedent basis objection. Accordingly, the Applicant respectfully requests the withdrawal of the objection.

Double Patenting Rejection

Claims 1-10, 14-18, 27 and 28 were rejected under the judicially created doctrine of double patenting over claims 1 and 5 of U.S. Patent No. 7,298,137 in view of Dames et al. (U.S. Patent No. 5,814,0910).

Claims 1-10, 14-18, 27 and 28 were rejected under a non-statutory double patenting rejection, specifically U.S. Patent No. 7,298,137 in view of Dames et al. (U.S. Patent No. 5,814,0910). A Terminal Disclaimer in compliance with 37 CFR 1.321(b)(iv) is enclosed herewith to over come the Double Patenting rejections.

Rejections Under 35 U.S.C. § 102

Claims 30 was rejected under 35 USC § 102(a) as being anticipated by Ely et al., (U.S. Patent No. 6,980,134).

To further prosecution of the application, the Applicant has canceled claim 30 thereby making the rejection of claim 30 under section 102 moot. Accordingly, the Applicant respectfully requests the withdrawal of the rejection of claim 30 under section 102. The Applicant, however, retains the right to file a continuation application with one or more claims having a similar claim scope as is present in currently canceled claim 30.

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Allowable Subject Matter

Claims 1-29 have been indicated as allowable over the prior art with a proper Terminal Disclaimer to overcome the Double Patenting Objection.

As indicated above, a proper Terminal Disclaimer has been filed with this response.

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CONCLUSION

Applicant respectfully submits that claims **1-29** are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: July 8, 2008

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